

## **IC 20-46-4**

### **Chapter 4. School Transportation Levy**

## **IC 20-46-4-1**

### **"Costs attributable to transportation"**

Sec. 1. As used in this chapter, "costs attributable to transportation" has the meaning set forth in IC 20-40-6-1.

*As added by P.L.2-2006, SEC.169.*

## **IC 20-46-4-2**

### **"Fund"**

Sec. 2. As used in this chapter, "fund" refers to the school transportation fund.

*As added by P.L.2-2006, SEC.169.*

## **IC 20-46-4-3**

### **"Last state transportation distribution"**

Sec. 3. As used in this chapter, "last state transportation distribution" means the total amount of state funding received by a school corporation for transportation costs:

(1) under IC 21-3-3.1-1 through IC 21-3-3.1-3 (before their repeal) after June 30, 2003, and before July 1, 2004; and

(2) for special education and vocational programs under IC 21-3-3.1-4 (before its repeal) after June 30, 2003, and before July 1, 2004;

multiplied by two (2).

*As added by P.L.2-2006, SEC.169.*

## **IC 20-46-4-4**

### **"Levy"**

Sec. 4. As used in this chapter, "levy" refers to a levy under this chapter.

*As added by P.L.2-2006, SEC.169.*

## **IC 20-46-4-5**

### **Powers; levy**

Sec. 5. Each school corporation may levy for the calendar year a property tax for the fund sufficient to pay all operating costs attributable to transportation.

*As added by P.L.2-2006, SEC.169.*

## **IC 20-46-4-6**

### **Maximum levy**

Sec. 6. The levy may not exceed:

(1) the amount determined by multiplying:

(A) the school corporation's levy for the fund for the previous year under IC 21-2-11.5 (before its repeal) or this chapter, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under

IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year; by  
(B) the assessed value growth quotient determined under IC 6-1.1-18.5-2; plus  
(2) in 2006 and 2007, the amount determined under section 9 of this chapter.

*As added by P.L.2-2006, SEC.169.*

#### **IC 20-46-4-7**

##### **Levy procedures**

Sec. 7. The tax rate and levy for the fund shall be established as a part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

*As added by P.L.2-2006, SEC.169.*

#### **IC 20-46-4-8**

##### **Use of surplus revenue**

Sec. 8. If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

*As added by P.L.2-2006, SEC.169.*

#### **IC 20-46-4-9**

##### **Additional levy amount; replacement of state distributions**

Sec. 9. To the extent that the amount determined under section 6(1) of this chapter has not been adjusted to reflect the termination of state transportation distributions for the school corporation's fund, as determined by the department of local government finance, a school corporation may increase its levy for 2006 above the amount determined under section 6(1) of this chapter by fifty percent (50%) of the school corporation's last state transportation distribution, and the school corporation may increase its levy for 2007 above the amount determined under section 6(1) of this chapter by the remaining fifty percent (50%) of the school corporation's last state transportation distribution. The amount of the additional levy imposed in a calendar year under this section shall be treated, for purposes of applying section 6(1) of this chapter in the following year, as part of the school corporation's levy for the fund for the previous year.

*As added by P.L.2-2006, SEC.169.*

#### **IC 20-46-4-10**

##### **Appeal; increased fuel or other costs; increase in maximum levy**

Sec. 10. (a) A school corporation may appeal to the department of local government finance under IC 6-1.1-19 to increase the maximum levy permitted for the school corporation's fund. To be granted an increase by the department of local government finance, the school corporation must establish that the increase is necessary because of

a transportation operating cost increase of at least ten percent (10%) over the preceding year as a result of at least one (1) of the following:

- (1) A fuel expense increase.
- (2) A significant increase in the number of students enrolled in the school corporation that need transportation or a significant increase in the mileage traveled by the school corporation's buses compared with the previous year.
- (3) A significant increase in the number of students enrolled in special education who need transportation or a significant increase in the mileage traveled by the school corporation's buses due to students enrolled in special education as compared with the previous year.
- (4) Increased transportation operating costs due to compliance with a court ordered desegregation plan.
- (5) The closure of a school building within the school corporation that results in a significant increase in the distances that students must be transported to attend another school building.

In addition, before the department of local government finance may grant a maximum levy increase, the school corporation must establish that the school corporation will be unable to provide transportation services without an increase. The department of local government finance may grant a maximum operating costs levy increase that is less than the increase requested by the school corporation.

(b) If the department of local government finance determines that a permanent increase in the maximum permissible levy is necessary, the maximum levy after the increase granted under this section becomes the school corporation's maximum permissible levy under this chapter.

*As added by P.L.2-2006, SEC.169.*